

REMARKS

The official action sets forth a restriction requirement. The Examiner groups the claims into three groups:

Group I comprising claims 1-21;

Group II comprising claims 22-34; and

Group III comprising claims 35-40.

The applicant hereby provisionally elects the claims of Group I (claims 1-21) for initial examination, with traverse.

The restriction requirement is not properly made. The Examiner states the tests for making a restriction requirement, but never properly applies the test to all of the claims pending in the application. For example, note the commentary in paragraph 3 of the official action. The Examiner notes the two part test concerning subcombinations, but never applies the first part of the test to the claims. So the restriction requirement has not been properly made. The Examiner needs to do more than just state the tests for making a restriction requirement. The observation about the Group II claim only addresses the second part of the test.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2125. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2125.

Response to Official Action

Dated 27 June 2007

Re: USSN 10/717,206

Page 3

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 20, 2007

(Date of Transmission)

Richard Berg

(Name of Person Transmitting)


(Signature)

20 JULY 2007

(Date)

Respectfully submitted,



Richard P. Berg

Attorney for the Applicant

Reg. No. 28,145

LADAS & PARRY

5670 Wilshire Boulevard,

Suite 2100

Los Angeles, California 90036

(323) 934-2300 voice

(323) 934-0202 facsimile